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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,688	02/27/2004	Barret Lippey	02103-589001 / AABOSW42	9349
26162	7590	10/06/2005	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			MAHONEY, CHRISTOPHER E	
			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/789,688

Applicant(s)

LIPPEY ET AL.

Examiner

Christopher E. Mahoney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-31 is/are allowed.
- 6) ☐ Claim(s) 1-12, 18-20 and 32-40 is/are rejected.
- 7) ☒ Claim(s) 13-17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I in the reply filed on July 22, 2005 is acknowledged. Upon reconsideration the examiner has decided to rejoin all claims pending in the present application.

Specification

The disclosure is objected to because of the following informalities: Paragraph 5, there should be a period and a space between "lightThe".

Appropriate correction is required.

Claim Objections

Claims 34 and 36 are objected to because of the following informalities:

In claim 34 the examiner believes "a assembly" should be "an assembly".

In claim 36 "surfaceassembly" should be two words.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 38-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as

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the invention. Specifically claim 38 is indefinite because it recites desired properties of a screen rather than structure that will provide the desired properties. It does not appear to be a means/step plus function claim but in the instance the applicant meant claim 38 to be a means/step plus function claim, it is not a proper means plus function/step plus function claim as set forth in MPEP 2181.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8-12, 18 and 32-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Oguchi (U.S. Pat. No. 5,691,844). Oguchi teaches an assembly to use in a screen comprising a metal reflective surface (Al) and a layer (SiO and/or MgF₂) to reduce an amount of difference in reflectivity of the metal reflective surface for incident light polarized in two directions (abstract). As can be seen in figure 7, the layer is made of Silicon Oxide and is between 60-75 nm or between 50-200 nm and the metal surface is less than 200nm.

Claim 38 is rejected under 35 U.S.C. 102(b) as being anticipated by Martinez (U.S. Pat. No. 4,025,160). It is noted that the only positive method step recited is the step of projecting an image. The desire of what to project the image on is an intended use. Yamashita teaches in figure 3 that it was known to project an image. Figure 3 also depicts a viewing angle of at least ± 32 degrees (± 55 degrees). The projected light is not polarized (it is already randomly

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polarized/unpolarized). The reflected light will reflect back randomly polarized /unpolarized which will result in a depolarization amount of 0 which is less than 1%.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-7 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oguchi (U.S. Pat. No. 5,691,844) in view of Hara (U.S. Pat. No. 6,704,080). Oguchi teaches the salient features of the claimed invention except for a protective layer with hardness greater than HB. Hara teaches in col. 6, line 2 to provide a protective layer with a hardness of 2H which is harder than HB and harder than Al less than 200nm thick. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Hara for the purpose of preventing scratches/damage.

Claims 19-20 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oguchi (U.S. Pat. No. 5,691,844) in view of Oya (U.S. Pat. No. 6,589,649). Oguchi teaches the salient features of the claimed invention except for a layer for stain resistance. Hara teaches in col. 27, lines 62-66 that it was known to provide a Si or fluorocarbon layer for stain resistance. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Oya for the purpose of preventing stains and increasing usable lifespan of product.

Allowable Subject Matter

Claims 13-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 39-40 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 21-31 are allowed.

Conclusion

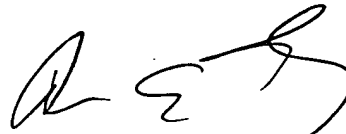
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. For example, Yoshihara (U.S. Pub. No. 20030096102) discloses a stain prevention layer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E. Mahoney whose telephone number is (571) 272-2122. The examiner can normally be reached on 8:30AM-5PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'C. Mahoney', is positioned above the printed name.

Christopher E Mahoney
Primary Examiner
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